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January 8, 2024

**Via ECF**

Honorable Paul A. Crotty  
United States District Judge  
United States District Court  
for the Southern District of New York  
500 Pearl Street, Chambers 1350  
New York, NY 10007

Re: *Palmco Administration, LLC v. Flower Payment, Inc.*, Case No. 1:23-cv-07409-PAC

Dear Judge Crotty:

I am counsel for plaintiff Palmco Administration, LLC (“Palmco”) in the above litigation, and write in response to the Court’s direction to submit a status letter regarding proof of service by January 10, 2024.

To the best of Palmco’s knowledge, the defendant Flower Payment, Inc. is a company organized under the laws of Japan, with its principal place of business in Tokyo, Japan. Therefore, Palmco is pursuing service of process on defendant under the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (“Hague Service Convention”), pursuant to Fed. R. Civ. P. 4(h)(2) and Fed. R. Civ. P. 4(f)(1).

Palmco’s counsel first reached out to the defendant’s Japanese and U.S. counsel to inquire whether defendant would be willing to waive service under the Hague Service Convention. When that avenue proved unsuccessful, Palmco diligently procured the services

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of a company specialized in international service of process, had extensive translations into Japanese made, and had the service package prepared and shipped to the proper Japanese authorities. That package was shipped on December 29, 2023 and delivered in Japan on January 4, 2024. *See* Exhibit 1 (courier's proof of delivery). We have been advised that the service of process in Japan under the Hague Service Convention may take approximately 6 months.<sup>1</sup>

Palmco will promptly file proof of service once service on defendant is accomplished.

Thank you for the Court's consideration.

Respectfully Submitted,

**PALMCO ADMINISTRATION, LLC**

By its attorney,

/s/ Torsten M. Kracht

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1/10/2024

The Clerk is directed to terminate the motion at ECF#4. The Court will address the Petition once the Petitioner has effectuated service and file proof of service. SO ORDERED.



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<sup>1</sup> While that time frame exceeds the 90-day period for service of process set forth in Fed. R. Civ. P. 4(m), that rule, by its terms, does not apply to service in a foreign country under Rules 4(f) and 4(h)(2).